

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
ex. rel. MITCHELL D. MONSOUR and  
WALTON STEPHEN VAUGHAN

PLAINTIFFS

VS.

CAUSE NO. 1:16CV38HSD-JCG

PERFORMANCE ACCOUNTS RECEIVABLE, LLC,  
PERFORMANCE CAPITAL LEASING, LLC,  
STEPPING STONES HEALTHCARE, LLC,  
WADE WALTERS  
CLAYTON V. DEARDORFF,  
MIKE BOLEWARE,  
HOPE THOMLEY,  
DENNIS L. PIERCE, and  
PIERCON, INC.

DEFENDANTS

**MOTION FOR EXTENSION OF TIME WITHIN WHICH  
TO RESPOND TO COMPLAINT**

COMES NOW the Defendants, PierCon, Inc. and Dennis L. Pierce, by and through undersigned counsel, and reserving all rights to assert all defenses, including without limitation, the following defenses: lack of jurisdiction over the subject matter, lack of jurisdiction over the person, improper venue, insufficiency of process, insufficiency of service of process, failure to state a claim upon which relief can be granted, failure to join a party under Rule 19 of the Federal Rules of Civil Procedure, arbitration and award, assumption of risk, contributory negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, waiver, and any other matter constituting an avoidance or affirmative defense; and hereby moves this Court for extension until November 21, 2017, within which to serve their

initial response to the Plaintiffs' Complaint in the above styled and numbered civil action, and in support of said Motion, would show unto the Court as follows, to-wit:

1.

The undersigned counsel has recently been retained to represent the Defendants, PierCon, Inc. and Dennis L. Pierce, and has received a copy of the complaint, but has not had sufficient time to prepare an initial responsive pleading.

2.

The attorney for the Plaintiffs, J. Brad Piggot has spoken with counsel for the Defendants, Rick Norton and advised that he has no objection to the Defendants' request for extension of time within which to answer the Complaint in this matter until November 21, 2017.

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3.

Undersigned counsel is presently in the process of investigating facts material to the allegations contained and alleged in the Complaint. The completion of such inquiry will reasonably require the additional time now sought within which to respond to the Plaintiffs' Complaint.

3.

The Defendants will be unable to properly plead in this action until the conclusion of the inquiry.

4.

The Defendants have not previously sought an extension of time in which to respond to this matter, and that the award of the additional time sought will not delay an orderly disposition of this action.

WHEREFORE, PREMISES CONSIDERED, Defendants, PierCon, Inc. and Dennis L. Pierce, request that this Court enter an Order granting them until November 21, 2017, within which to serve their initial responsive pleading to the Complaint in this matter.

Respectfully submitted, this the 18<sup>th</sup> day of October, 2017.

PIERCON, INC. AND DENNIS L. PIERCE,  
DEFENDANTS

/s/ Rick Norton  
RICK NORTON, MSB #8741

BRYAN NELSON, P.A.  
Post Office Drawer 18109  
Hattiesburg, MS 39404-1809  
Telephone: 601-261-4100  
Facsimile: 601-261-4106

**CERTIFICATE OF SERVICE**

I, the undersigned attorney of record for Defendants, PierCon, Inc. and Dennis L. Pierce, do hereby certify that I have this date filed the above and foregoing document via the ECF filing system, which system sent notice of such filing to the following:

J. Brad Pigott  
[bpigott@pjlawyers.com](mailto:bpigott@pjlawyers.com)

*Attorney for Plaintiffs*

This the 18<sup>th</sup> day of October, 2017.

/s/ Rick Norton  
RICK NORTON, MSB #8741